

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GROSS, Richard A., et al.

Art Unit: 1623

Application No.: 10/804,778

Examiner: Issac, R.P.

Filing Date: 03/19/2004

Confirmation No.: 7749

Title: SPERMICIDAL AND VIRUCIDAL  
PROPERTIES OF VARIOUS FORMS  
SOPHOROLIPIDS

Customer No.: 25461

Docket No.: 048467.01101

**PRELIMINARY AMENDMENT**

25 August 2008

Commissioner of Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

Prior to examining the above captioned patent application based on the concurrently filed Request for Continued Examination, please amend it as follows.

**Status** begins on page 2.

**Summary of Fees Due** begins on page 3.

**Claims Amendments** begin on page 4.

**Remarks** begin on page 10.

**STATUS**

Claims 1-3, 5-8, 12-30, and 33-57 are pending and are subject to a Final Rejection mailed on 27 February 2008.

A Request for Continued Examination (RCE) is being filed concurrently with this Preliminary Amendment.

Claims 13-27 and 32-50 have been withdrawn from consideration.

Claims 1-12 and 28-31 have been rejected under 35 USC 112.

Claims 56 and 57 have been rejected under 35 USC 112 on the allegation that they include new matter.

Claims 1, 3, 5-8, and 55-57 have been rejected under 35 USC 102(b) as being anticipated by an article by Bisht et al. J. Org. Chem. 64, 780-789 (1999) (the Bisht reference)

Claims 1-3, 5-8, 12, 28-30, and 55-57 have been rejected under 35 USC 103(a) as being obvious over the Bisht reference in view of US Patent No. 5,545,401 to Shanbrom (Shanbrom '401).

Claims 1-3, 5-8, 12, 28-30, and 55-57 have been provisionally rejected on the grounds of non-statutory double patenting over Claims 1-9 of copending US Patent Application No. 11/020,683 and over Claims 4-7, 10-14, and 16-21 of copending US Patent Application No. 10/807,961.

The following amendment takes into consideration the Office Action dated 27 February 2008 from Examiner Roy P. Issac of Art Unit 1623.

## **SUMMARY OF FEES DUE**

### **1. Extension of Time or Fee.**

This Preliminary Amendment and the RCE are being filed with a petition for a three (3) month extension of time up to and including 27 August 2008 along with the appropriate extension of time fee for a small entity.

### **2. RCE Fee.**

The RCE fee for a small entity is being submitted along with the RCE.

### **3. No Excess Claims Fee is necessary.**

The fee for fifty-four (54) total claims and ten (10) independent claims already has been filed. This Response results in no more than fifty-four (54) total claims and ten (10) independent claims, and no excess claims fee is due.